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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,657	05/03/2006	Giuseppe Salice	1729-438	4240
6449 7590 04/07/2010 ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005				
EXAMINER VOLZ, ELIZABETH J				
ART UNIT 3781		PAPER NUMBER		
NOTIFICATION DATE 04/07/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

# Office Action Summary

**Application No.**

10/595,657

**Applicant(s)**

SALICE, GIUSEPPE

**Examiner**

ELIZABETH VOLZ

**Art Unit**

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2010.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 7-13 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 03 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/GS/US)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 12 is objected to because of the following informalities: In Line 4, "half-sells" should read --half-shells--. Appropriate correction is required.
2. Claim 7 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 7 only repeats which has already been disclosed in Claim 12.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 7-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding Claim 12, a first connection means with a firm connection and a form-fit or snap engagement was not previously disclosed. A second connection was also not previously disclosed.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 8, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (U.S. Patent No. 5,417,339) in view of Neely (U.S. Patent No. 4,212,415).

7. Regarding Claims 7, 8 and 12, Liu discloses a container for gifts, comprising: a first half-shell 2 (Figure 1) and a second half-shell 1 (Figure 1), said first and second half-shells comprising: first connection means 21/111 (Figure 1) suitable to promote a firm connection of the two half-shells in a mouth-to-mouth relationship to form a closed container suitable for holding gifts, said first connection means providing a form-fit or snap engagement between said first half-shell and second half-shell and being releasable by the user (Figure 1), second connection means 24/110 (Figure 1) being associated with each of the half-shells and being susceptible to be mutually engaged in order to keep the two half-shells connected to one another, when said first connection means are disengaged (Figure 4), said second connection means comprising buckle-like connection means comprising a male element 24 (Figure 1) integral with said first half-shell connected to said first half-shell by articulation means 243 (Figure 1) and a female element 110 (Figure 1) integral with said second half-shell, wherein said articulation means, in the configuration of a mutual engagement of said second

connection means permitting an opening pivoting movement of one half-shell relative to the other half-shell (Figure 5), wherein said second connection means connect the two half-shells to one another in a manner such as to permit a limited movement of one half-shell relative to the other in a direction perpendicular to the plane of the mouth of the two half-shells (Figure 2) and a flexible tab 24 (Figure 1) connected to the periphery of the mouth of one of the half-shells, the other half shell being capable of being superimposed on the end of the tab in the region of its connection to the respective half-shell, in the closed configuration of the container (Figure 2). Liu does not disclose a male element having a generally anchor-shaped configuration with resilient anchoring ends and comprising a pair of substantially parallel, resilient prongs separated by a slot and wherein said female element is formed by a bridge-like wall defining an open-ended slot in which the male element can be inserted and wherein said anchoring ends can engage the sidewalls delimiting the open-ended slot, said female element comprising a guide rib which can be inserted in said slot between the prongs and wherein the female element comprises projecting engagement means which can cooperate with said anchoring ends of said prongs to prevent removal of the male element from the female element. However, Neely teaches a male element 80 (Figure 8) having a generally anchor-shaped configuration 86 (Figure 8) with resilient anchoring ends and comprising a pair of substantially parallel, resilient prongs 82/84 (Figure 8) separated by a slot (Figure 8) and wherein said female element is formed by a bridge-like wall 88 (Figure 8) defining an open-ended slot in which the male element can be inserted and wherein said anchoring ends can engage the sidewalls delimiting the open-ended slot (Column

3, Lines 22-24), said female element comprising a guide rib (Figure 8) which can be inserted in said slot between the prongs and wherein the female element comprises projecting engagement means (Figure 8) which can cooperate with said anchoring ends of said prongs to prevent removal of the male element from the female element.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Liu to include a male and female element, as taught by Neely, in order to securely lock two parts of the container together.

8. Regarding Claim 13, Liu discloses a first connection means comprising an engagement rib 111 (Figure 1) on one of said half-shells and a collar 21 (Figure 1) on the other of said half-shells, wherein the movement of the second connection means in a direction perpendicular to the plane of the mouth of the two half-shells corresponds to the depth of said collar (Figure 2).

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (U.S. Patent No. 5,417,339) in view of Neely (U.S. Patent No. 4,212,415) and Bezek et al. (U.S. Pub. No. 2002/0008106).

10. Regarding Claim 9, Liu and Neely teach all the limitations substantially as claimed except for a heat shrinkable band. However, Bezek et al. teaches a heat shrinkable band 112 (Figure 1b). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Liu and Neely to include a heat shrinkable band, as taught by Bezek et al., in order to keep two parts of the shell together.

11. Claims 10, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferrero (WO 93/00267) in view of Liu (U.S. Patent No. 5,417,339) and Neely (U.S. Patent No. 4,212,415).
12. Regarding Claim 12, Ferrero discloses a container for gifts 1 (Figure 1), comprising: a first half-shell 2 (Figure 1) and a second half-shell 2 (Figure 1), said first and second half-shells comprising: first connection means 5 (Figure 2) suitable to promote a firm connection of the two half-shells in a mouth-to-mouth relationship to form a closed container suitable for holding gifts, said first connection means providing a form-fit or snap engagement between said first half-shell and second half-shell and being releasable by the user (Figure 2).

Ferrero does not disclose a second connection means being associated with each of the half-shells and being susceptible to be mutually engaged in order to keep the two half-shells connected to one another, when said first connection means are disengaged, said second connection means comprising buckle-like connection means comprising a male element integral with said first half-shell connected to said first half-shell by articulation means and a female element integral with said second half-shell, wherein said articulation means, in the configuration of a mutual engagement of said second connection means permitting an opening pivoting movement of one half-shell relative to the other half-shell, wherein said second connection means connect the two half-shells to one another in a manner such as to permit a limited movement of one half-shell relative to the other in a direction perpendicular to the plane of the mouth of the two half-shells, a male element having a generally anchor-shaped configuration with

resilient anchoring ends and comprising a pair of substantially parallel, resilient prongs separated by a slot and wherein said female element is formed by a bridge-like wall defining an open-ended slot in which the male element can be inserted and wherein said anchoring ends can engage the sidewalls delimiting the open-ended slot, said female element comprising a guide rib which can be inserted in said slot between the prongs and wherein the female element comprises projecting engagement means which can cooperate with said anchoring ends of said prongs to prevent removal of the male element from the female element.

However, Liu teaches a second connection means being associated with each of the half-shells and being susceptible to be mutually engaged in order to keep the two half-shells connected to one another, when said first connection means are disengaged (Figure 4), said second connection means comprising buckle-like connection means comprising a male element 24 (Figure 1) integral with said first half-shell connected to said first half-shell by articulation means and a female element 110 (Figure 1) integral with said second half-shell, wherein said articulation means, in the configuration of a mutual engagement of said second connection means permitting an opening pivoting movement of one half-shell relative to the other half-shell (Figure 5), wherein said second connection means connect the two half-shells to one another in a manner such as to permit a limited movement of one half-shell relative to the other in a direction perpendicular to the plane of the mouth of the two half-shells (Figure 2). Neely teaches a male element 80 (Figure 8) having a generally anchor-shaped configuration 86 (Figure 8) with resilient anchoring ends and comprising a pair of substantially parallel,



resilient prongs 82/84 (Figure 8) separated by a slot (Figure 8) and wherein said female element is formed by a bridge-like wall 88 (Figure 8) defining an open-ended slot in which the male element can be inserted and wherein said anchoring ends can engage the sidewalls delimiting the open-ended slot (Column 3, Lines 22-24), said female element comprising a guide rib (Figure 8) which can be inserted in said slot between the prongs and wherein the female element comprises projecting engagement means (Figure 8) which can cooperate with said anchoring ends of said prongs to prevent removal of the male element from the female element. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Ferrero to include a second connection with a male and female element, as taught by Liu and Neely, in order to securely lock two parts of the container together.

13. Regarding Claims 10 and 11, Ferrero discloses a hollow body U (Figure 3), more specifically a chocolate egg (Page 6, Line 16) with a container 1 (Figure 3) inside.

***Response to Arguments***

14. Applicant's arguments with respect to claim 12 have been considered but are moot in view of the new ground(s) of rejection.

15. Applicant argues that Liu does not suggest limited movement of one half-shell relative to the other in the perpendicular plane of the mouth. However, when the second connection is attached, the tab 24 (Figure 1) with the anchor would limit the movement upward since it would encounter the bridge of the female element.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH VOLZ whose telephone number is (571) 270-5430. The examiner can normally be reached on Monday-Thursday, 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571) 272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. V./  
Examiner, Art Unit 3781

/Anthony Stashick/  
Supervisory Patent Examiner, Art  
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